

Attorney Docket No.: 57.0513 US PCT

Appln. No.: 10/542,654

**Remarks/Arguments****Status of the Application**

Prior to the entry of this amendment, claims 1-11, 13, 15-27, 29-33 and 35-66 were pending in this application, but of these claims 55 and 56 were already withdrawn from consideration. Claims 1, 36, 37 and 40 were independent claims.

In the Office Action claims 37 and 40 were allowed and claims 2 and 57 were objected to for depending from a rejected base claim, but would be allowable if rewritten in independent form. The remaining claims 1, 3-11, 13, 15-27, 29-33, 35, 36, 38, 39, 41-56 and 58-66 were rejected.

***Independent claims:***

The present amendment cancels independent claims 1 and 36 and rewrites dependent claims 2 and 57 as independent claims incorporating the features of the claims on which they were previously dependent. A new independent claim 71 is based on previous claims 1 and 11 with an additional feature that the two phases are intermingled, as supported by the disclosure at page 26 line 26.

***Dependent claims***

Some claims which were previously dependent on claims 1 and 36 have been deleted. Others have been amended to become dependent on one of the current independent claims. Some new dependant claims, copied from other dependant claims, have been added. No new matter is added by these amendments.

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***Claims series now presented for examination:***

Independent claim 2 (indicated to be allowable) with dependent claims 3-10, 13, 16-18, 20-22, 24-27, 29, 32, 33, 54 and 64. In claim 16 the time period has been amended to 5 years, as in previously presented claim 61 based on page 13 line 10.

Independent claim 37 (allowed) with dependent claims 46, 47, 50 and 51.

Independent claim 40 (allowed) with dependent claims 41-45, 48, 49, 52, 59, 60, 63, 65 and 66. In claims 59 and 60 the words "before activation" have been added to enhance consistency with the reference to activation in claim 40. New claim 66 has been copied from the first part of claim 3.

Independent claim 57 (indicated to be allowable) with dependent claims 30, 31, 61 and 67-70.

These new claims 67-70 have been copied from elsewhere, as follows:

67 copies part of claim 3,	68 copies part of claim 20,
69 copies part of claim 27, and	70 copies claim 54.

Independent claim 71 with new dependent claims 72-77 copied from elsewhere as follows:

72 copies part of claim 3,	73 copies part of claim 20,
74 copies claim 8,	75 copies part of claim 27,
76 copies claim 61, and	77 copies claim 54.

***Overall list of claims now presented***

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The overall list of claims now presented for examination is therefore 2-10, 13, 16-18, 20-22, 24-27, 29-33, 37, 40-52, 54, 57, 59-61, and 63-77.

Applicants respectfully request reconsideration of this application as amended.

**35 U.S.C. §102 and 103 Rejections**

In view of the cancellation of claims 1 and 36 and the above-mentioned amendments to the claims previously dependant on them, it is submitted that all rejections of claims numbered between 2 and 70 are now moot. Consequently applicants will discuss only the rejections applicable to claims 71 to 77.

Applicants note that the examiner rejected claims 1 and 11 as anticipated by Cheymol et al. Without making any admission concerning those grounds of rejection, applicants point out that claim 71 now contains the limitations of previous claims 1 and 11 together with the additional feature that the two phases are intermingled, as supported by the disclosure at page 26 line 26. The examiner's comment relevant to previous claim 11 was that "Cheymol discloses solid seal element 2 which is in a solid state and viscous settable seal material 11". In Cheymol the item 2 defines a mould for the filler 11 but there is no mixture or intermingling of two phases. Nothing in Cheymol suggests a mixture of two phases, in which a continuous phase of yield stress fluid has a discontinuous phase of solid material intermingled within it.

The benefits of a composite mixture, containing both a continuous phase of yield stress fluid and a discontinuous solid phase are discussed at pages 23 to 27 of the description. As pointed out at

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lines 28 and 29 of page 3, the solid phase can provide structural support. The continuous phase then maintains the seal. Thus, general structural support for the seal is provided by the solid material, but the continuous phase provides a very reliable seal, as mentioned at page 27 line 21.

Applicants respectfully submit that all of the limitations of independent claim 71 are not disclosed or suggested by Cheymol, whether considered individually or in combination. Hence, it is respectfully submitted that claim 71 overcomes the previous rejections of claims 1 and 11. The subclaims further distinguish from Cheymol. In particular, claims 72 and 73 call for the seal element to be confined by in a volume surrounded by rigid material whereas in Cheymol the upper and lower boundaries of the filler material 11 are defined by the remains of the flexible confinement membrane 2.

### Conclusion

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

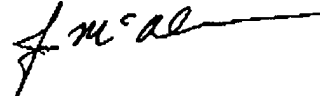
In the event that a fee or refund is due in connection with this Amendment, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No 19-0615.

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Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Date: September 16, 2008